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Claim 1 has been canceled. Claims 2-7 remain pending in the application.

Applicant acknowledges with appreciation the Examiner's finding that claims 3-4 and 6-7 contain allowable subject matter.

Claims 2 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,510,926 to Bayart et al. Applicant respectfully traverses the rejection.

Bayart et al. describe an optical link that includes amplifiers that maintain gain flatness when the "number and/or power of the carrier waves" vary. The Examiner cited col. 2, lines 43-46 and col. 3, lines 61-62 of Bayart et al. as alleged disclosure of the claimed feature of monitoring the output amplified WDM optical signal. Page 2, lines 21-22 of the Office Action. Such portions of Bayart et al. do not, however, disclose the claimed feature.

Col. 2, lines 43-46 of Bayart et al. merely includes description of a receiver assembly 8 that "receives the carrier waves at the output of the line 4 [and] responds by restoring the signals to be transmitted." Such portion of Bayart et al., therefore, only includes description of a receiver assembly restoring signals to be transmitted, and do not disclose the claimed feature of an output port outputting an amplified WDM optical signal and monitoring the amplified WDM optical output therefrom.

Correspondingly, col. 3, lines 61-62 of Bayart et al. describe as follows:

"However, the gain regulation light may also be tapped at the output of the amplifier waveguide. The regulation band must then be outside the spectrum range occupied by the channels of the link, so that the regulation light is constituted by an amplified spontaneous emission only." (Emphasis added)

In other words, the gain regulation light described in Bayart et al. is distinct and separate from channels of the link at the output of an amplifier waveguide, and, therefore, does not

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disclose the claimed output port outputting an amplified WDM optical signal and monitoring the amplified WDM optical output therefrom.

Thus, Bayart et al., as cited and relied upon by the Examiner, fail to disclose,

“[a]n apparatus comprising:

an input port receiving a WDM optical signal including a variable number of second optical signals having different wavelengths and monitoring the received WDM optical signal;

an optical amplifier which amplifies the received WDM optical signal with a first mode in which the received WDM optical signal is amplified with an approximately constant gain during a process of changing the number of second optical signals; and,

an output port outputting the amplified WDM optical signal and monitoring the amplified WDM optical signal output therefrom.” as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 2 is patentable over Bayart et al. for at least the foregoing reasons. Claim 5 incorporates features that correspond to those of claim 2 cited above, and is, therefore, patentable over Bayart et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

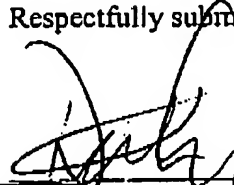
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Respectfully submitted,



Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

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